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FACSIMILE TRANSMITTAL SHEET

TO: Examiner **DAVID J. MCCROSKY**, Group Art Unit 3736

FIRM/COMPANY: U.S. Patent and Trademark Office

FACSIMILE NUMBER: 703.872.9306

**CONFIRMATION
TELEPHONE:** 703.305-1331

FROM: Anne Marie Leavy for Edward J. Lynch

DIRECT DIAL: 415.371.2231

DATE: February 10, 2005

USER NUMBER: 5121

FILE NUMBER: Atty Docket No. R0367-02501, USSN 10/729,086

TOTAL # OF PAGES: 15
(INCLUDING COVERSHEET)

MESSAGE: Attached is a *Second Preliminary Amendment* in connection with the above referenced Serial No.

NOTE: Original will not follow

CONFIDENTIALITY NOTICE

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SF63649.1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of *Burbank et al.*For: **TISSUE ACCESSING AND ANCHORING
DEVICE AND METHOD**

Serial No.: 10/729,086

Filed: December 5, 2003

Atty. Docket No.: R0367-02501

) Prior Application Examiner:
D. J. McCrosky) Prior Application Group Art
Unit: 3736) **TRANSMITTAL**

CERTIFICATE OF MAILING/FACSIMILE PURSUANT TO 37 C.F.R. §1.8

I hereby certify that this these papers are being sent by facsimile to (703) 872-306, addressed to Prior Application Examiner D. J. McCrosky, at Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 10, 2005, in San Francisco, CA.

Anne Marie Leary

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

- Transmitted herewith for filing in the above-identified patent application is an Second Preliminary Amendment.

- Claim Fee Calculation

No additional claim fee is required.

☒ Amendment increases number of claims or multiple dependencies.

Additional Claim Fee Calculation

Description	Fee Code	Claims	Extra	Rate	Fee
Independent Claims	2201	5 - 4 =	1 x	\$100=	\$100
Total Claims	2202	41 - 30 =	11 x	\$25=	\$275

Total Fees Due..... \$375

- Payment of Fees

Enclosed is a check for the total fees due in the amount of _____.

☒ The Commissioner is authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0367-02501.
A duplicate copy of this document is enclosed.By: 

Edward J. Lynch

Registration No. 24,422

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SF69233.1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of
Burbank et al.

For: **TISSUE ACCESSING AND
ANCHORING DEVICE AND METHOD**

Serial No.: 10/729,086

Filed: December 5, 2003

Atty. Docket. No.: R0367-02501

Examiner Of Parent Application:
D. J. McCrosky

Group Art Unit: 3736

SECOND PRELIMINARY AMENDMENT**CERTIFICATE OF MAILING/FACSIMILE PURSUANT TO 37 C.F.R. §1.8**

I hereby certify that this these papers are being sent by facsimile to (707) 872-9306, addressed to Prior Application Examiner D. J. McCrosky, at Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 10, 2005, in San Francisco, CA.

Anne Marie Leavy
Anne Marie Leavy

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please preliminarily amend this application as indicated below: